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2 PRICE AND ASSOCIATES

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9 Attorneys for Plaintiffs

10 Martha Berndt, Marta Hastings, Judy Longo, Linda Scott (Sutter), Sophia Curry, Shelly
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12 EDMUND G. BROWN, JR.

13 Attorney General of the State of California

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23 Attorneys for Defendants

24 California Department of Corrections and Rehabilitation, Teresa Schwartz, Joseph McGrath,
25 David Skerik, Mario Ortiz and Dwight Winslow

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 MARTHA BERNDT, MARTA HASTINGS,
19 JUDY LONGO LINDA SCOTT, SOPHIA
20 CURRY, SHELLY ADCOCK, PATRICIA
21 MOREIRA and KAREN CURRIE,
22 individually and on behalf of all persons
23 similarly situated,

24 Plaintiffs,

25 v.

26 CALIFORNIA DEPARTMENT OF
27 CORRECTIONS, ROBERT AYERS, JR.,
28 TERESA SCHWARTZ, JOSEPH D.
SKERIK, MARIO ORTIZ AND DWIGHT
WINSLOW, in their individual capacities,

Defendants.

CASE NO. C 03-3174 TEH

**STIPULATION TO THE
DISMISSAL OF PARTIES
AND ALLEGATIONS**

Judge: Hon. Thelton E.
Henderson

Hearing: None set.

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WHEREAS, Plaintiff Linda Scott (Sutter) has notified counsel and the Court that she no longer wishes to act as a named plaintiff or a class representative in the above action;

WHEREAS, the only claims involving defendant Mario Ortiz arise from the allegations of the Fourth Amended Complaint specific to Linda Scott (Sutter);

THEREFORE, plaintiffs and defendants agree through their respective counsel and stipulate as follows:

1. Plaintiff Linda Scott (Sutter) is dismissed as a party plaintiff and class representative in this matter.

2. Defendant Mario Ortiz is dismissed as a party defendant in this matter;

3. Paragraphs 5, 14, 23, 25, and 72 of the Fourth Amended Complaint are struck, as are the allegations of paragraphs 53, 63, 67, and 69 of the Fourth Amended Complaint as they relate to defendant Ortiz and any claims of Linda Scott (Sutter).

4. The parties will bear their own costs, with the exception of \$1,645.64 due to defendants resulting from the cancellation of the deposition of Linda Sutter scheduled for March 30, 2007. This amount will be payable within 90 days of the entry of the order of dismissal.

IT IS SO STIPULATED.

DATED: March 24, 2008

PRICE AND ASSOCIATES

PAMELA Y. PRICE, Attorney for Plaintiffs
MARTHA BERNDT, et al.

JOHN L. BURRIS
Attorney for Plaintiffs MARTHA BERNDT, et
al.

/s/
CHARLES STEPHEN RALSTON, Attorney for
Plaintiffs MARTHA BERNDT, et al.

DATED: March 24, 2008

LINDA SUTTER
Plaintiff

111

1 DATED: March 24, 2008

EDMUND G. BROWN, JR.
Attorney General of the State of California
KATHRYN ALLEN
Deputy Attorney General

4 /s/

5 LYN HARLAN

6 Deputy Attorney General
7 Attorneys for Defendants
8 CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, et
al.

9 IT IS FURTHER ORDERED that the case management
conference set for March 31, 2008, is VACATED.

10 **IT IS SO ORDERED.**

12 DATED: 03/24, 2008

